

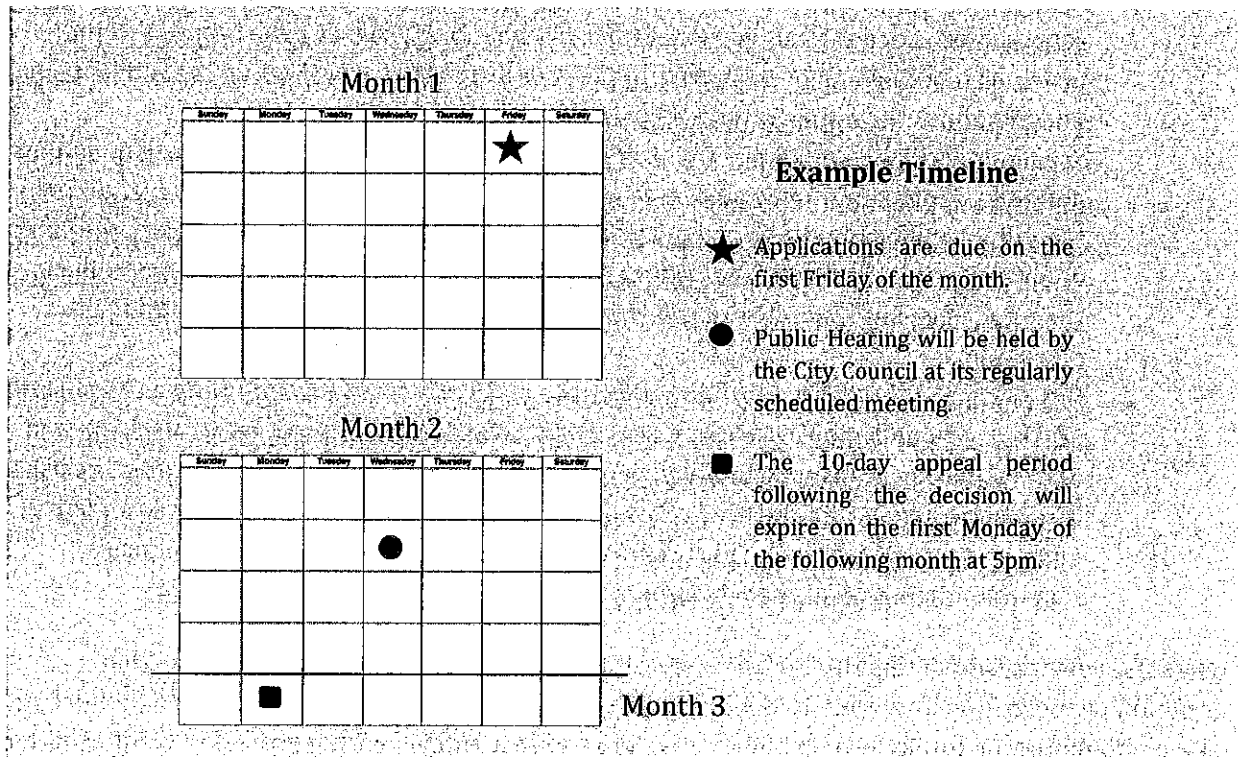
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3/17/21

CITY OF APPLETON

CONDITIONAL USE PERMIT REQUEST AND REVIEW PROCESS

Overview: Conditional Use Permit (CUP) requests will be reviewed by City Staff and discussed in a public hearing by the City Council at its regularly scheduled meeting. Minnesota State Law requires that a decision be issued for each application within 60 days of the application submission date. Sixty-day extensions may be obtained if more time is needed to resolve outstanding issues.

Application Deadline: Applications must be submitted to the City office by the close-of-business (5pm) on the first Friday of each month; applications received after this date cannot be heard until the City Council Meeting the following month. The CUP application process takes approximately 6 weeks from the application deadline.



Submission Requirements: The attached application form must be completed and submitted with all requested materials. Failure to submit all application materials may delay the review process as described.

Purpose: The CUP is intended to provide flexibility within a zoning ordinance while enabling the municipality to control certain uses which could have detrimental effects on the community.

Approval: In order to approve a CUP request, the City Council must find that: 1) the proposal is consistent with the Comprehensive Plan; 2) the proposal is in harmony with the purposes and intent of the zoning ordinances; 3) the proposal puts the subject property to use in a reasonable manner; and 4) the CUP, if granted, will not alter the essential character of the locality.

Initial Review: Applications will be reviewed for completeness by City Staff, and a determination of completeness will be provided to the applicant in the form of a letter within about 10 days of the application submittal date. A letter in response to an incomplete application will identify the materials that are needed in order to complete the application; once all of the outstanding application materials are received, the 60-day action timeline will restart. A letter in response to a complete application will outline the schedule for the formal review and approval process described below.

City Council Meeting: Applicants are encouraged to attend and participate in the public hearing in order to respond to questions from the City Council and/or members of the public. The public hearing will be held at the Appleton Civic Center Council Chambers.

- **At the Public Hearing:** The Mayor will call the meeting to order, Council members and representatives of the City in attendance will be introduced, and the minutes of the previous meeting will be reviewed. Items requiring public hearings are next. The Mayor will introduce the application and City Staff will review the issues and recommendations detailed in the staff report. City Council members may ask questions about the application to be answered by City Staff and the applicant. Then members of the public will be invited to ask questions about the application and to make comments about the proposal. Once the public comment period has concluded, the Chair will close the public hearing, and the Council Members will discuss the application and make a decision.
- **City Council Action:** The City Council has the authority to approve or deny an application and its decision is final. The City Council will provide the rationale for its decision and adopt a motion approving or denying the conditional use permit request. If the decision is not appealed within the time allowed, the conditional use permit becomes effective, and any necessary building permits may be issued; at this time the City Council's resolution will be sent to Swift County to be recorded against the property.

Appeals: The decision of the City Council may be appealed by the applicant or by any other Appleton property owner within 10 days of the decision. Appeals are heard by the City Council. An appeal is a matter of public record, but it does not require a public hearing and no new information will be reviewed as part of the appeal; instead, the City Council will review the decision-making process to verify compliance with City Ordinances and State Statutes.

Validation: A Conditional Use Permit approval must be validated by the applicant through the commencement of any necessary construction (subject to permit requirements) within 1 year of the date of the approval. A Conditional Use Permit approval will automatically expire if the approval is not validated.

CONDITIONAL USE PERMIT REQUEST

The applicant Allen Tonak is the owner of the property related to the conditional use permit request, the property is located within the corporate limits of the City of Appleton at the following address: 34 E. Sorenson Ave.

The Conditional Use Permit may be issued for any of the following:

- (1) Any of the uses or purposes for which such permits are required or permitted by the provision of this ordinance.
- (2) Public utility or public service uses or public buildings in any district when found to be necessary for the public health, safety, convenience or welfare.
- (3) Commercial excavation of natural materials used for building or construction purposes in any district.
- (4) To classify as a conforming use any nonconforming institutional use existing in any district at the time of the establishment of such district.
- (5) To permit the location of any of the following uses in a district from which they are excluded by provisions of this ordinance: airport, library, community center, church, farm animals, hospital, and institution of an educational nature, cemetery or mausoleum.

Explain the reason for the conditional use permit request: To raise chickens for eggs,
and therapy for my mental health

- (1) If the Conditional Use Permit is related to farm animals, identify the maximum number and type of animals: 6-12 hens Lg breed + small mixed
- (2) If the Conditional Use Permit is related to farm animals, identify the maximum number of years requested: 5
- (3) Has the property of the applicant had continuous years of farm animals prior to the present date of this Conditional Use Permit request? Yes _____ No X
- (4) Conditional Use Permit request shall demonstrate to all owners of abutting properties the type of Conditional Use Permit request, type of change or improvements to be made and request the approval or disapproval of the abutting property owners.
- (5) Special Use Permit request shall include a detailed drawing of the property responsible for the Conditional Use Permit request with all appropriate measurement and dimensions.
- (6) Identify by a list of names of each and all owners of abutting properties and their appropriate initials under the approval or disapproval column.

NAME**APPROVAL****DISAPPROVAL**Tim SynhorstX Jim OverholserX Joseph M. MunstomeX

CONDITIONAL USE STANDARDS: City Staff shall not recommend the granting of any request and the City Council shall not grant any application unless they find the following facts:

- (1) That there are no special circumstances or conditions affecting the land, building or use referred to in the application.
- (2) That the granting of the application is necessary for the preservation and enjoyment of substantial property rights.
- (3) And that the granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvement in the neighborhood.

Applicant's signature: Allen L. Yonak

Date: 3/17/21

APPROVAL**DISAPPROVAL**

Recommendation of City Staff

Decision of the City Council